



Those involved with the legislative process all agreed that the 1998 Legislative Session was very different from others of recent years. But there were good reasons for those differences. It was the goal of this legislature to complete and vote on the \$45.3-billion state budget an entire week prior to the session end, whereas that is usually the last vote they take before leaving town for the summer. The Governor even issued his vetoes before the hanky dropped on May 2! Another significant difference was that the state was flush with new money due to a strong economy and the first installment of the \$11.3-billion tobacco settlement. There was so much new money, in fact, that legislators couldn't resist giving some of that \$2.7 billion away in the form of corporate tax breaks. Not to mention the \$50 check to approximately 3.5-million homeowners that will most likely arrive in mailboxes just prior to the first primary election in September.

It was also a good year for passing legislation. Almost all of the SUS priority bills passed in relatively good shape (see **Spotlight on Bills**).

With this year's session barely over, we now turn our attention to next year's budget and legislative agenda. November is an election month which will bring changes in leadership and legislative membership. Representative John Thrasher, a Republican from Orange Park and an FSU alumnus, is slated to become the next Speaker of the Florida House. Other FSU alum are in line to hold important chairmanships as well.

In this final edition of this '98 *Legisletter*, I have summarized the legislation that passed and updated you on legislation of interest that did not. If you are looking for a bill that does not appear in this newsletter please feel free to contact me at 644-4453 or by e-mail, kdaly@govrel.fsu.edu.

Kathleen Daly

1998-99 LEGISLATIVE BUDGET SUMMARY

Access/Quality Education

Enrollment Growth **\$22.9 mil.**

Library Resources **\$ 5.2 mil.**

Efficiency

Law Enforcement 800 MHZ
Trunking System **\$ 4.0 mil.**

Public-Private Partnerships

Challenge Grants: **\$45.0 mil.**

Stable, Reliable Funding

Gender Equity **\$ 2.0 mil.**

PO&M (2-year phase-in) **\$ 7.5 mil.**

Florida State University Issues

British Open University/FSU
Resource Center **\$ 2.5 mil.**

Chronic Disease Prevention/
At-Risk Floridians **\$250,000**

Juvenile Justice Role
Model Dev Program **\$200,000**

Juvenile Justice Curriculum **\$250,000**

Program in Medical Science
(recurring) **\$950,000**

Campus Safety **\$ 1.5 mil.**

PECO (FSU) **\$30.9 mil.**



Selected Appropriations Issues

Tuition Increase

Matriculation fees for lower and upper level	7 %
All out-of-state fees	12.5%

Allocation of each university's share of fees is to be expended pursuant to the following parameters:

Need-based aid	34%
Presidential discretion	33%
Technology	33%

Salary Policy

The following pay package is for all state employees, including those of the SUS. Effective October 1, 1998:

- *Employees with annual salaries of \$20,000 or less shall receive an annualized increase of \$1,200.
- *Employees with annual salaries from \$20,001 - \$36,000 shall receive an annualized increase of \$1,000
- *Employees with annual salaries of \$36,001 or more shall receive an annualized increase of 2.78%.

Health premiums will increase on January 1, 1999. A state employee with family coverage will realize an increase in their health care benefits of \$14.00 a month.

Technology Fee

A separate technology fee was not authorized by the Legislature. Instead, as noted in the tuition policy, 33% of the tuition increase is earmarked for funding technology needs as determined by each university.

Performance Based Budgeting

\$6.3 million is appropriated for Salary Performance Incentives, including TIP, PEP and Merit.

\$3.3 million is appropriated to establish a Performance Recognition and Incentive Fund, which measures the current effectiveness of, and improvements in, baccalaureate degree production, graduation and retention. The Board of Regents is directed to develop procedures for measuring and allocating funding to recognize three indicators:

1. Ratio of baccalaureate degree to FTE enrollment.
2. A combined graduation-retention index for first-time-in college students.
3. Five year change in FTIC and AA transfer graduation rates.

The funds may be used for TIP, PEP and Merit. This supplements the above allocation.

\$2,500,000 - Performance Based Incentive Fund:

One half shall be allocated to institutions which have instituted an internal procedure for allocating resources for instruction and research on the basis of performance. The remaining one-half shall be allocated based on the number of baccalaureate degrees awarded in 1997-98 and the number of degrees earned at a level of 115% of the degree.

\$2,500,000 - Enhanced Research Fund:

Half the funds will be allocated on the basis of the graduate full-time equivalent enrollment at each institution. The remaining funds will be distributed as follows:

1. 1/10 reserved for each institution to be matched at the rate of one state dollar for every three dollars in non-state university system funds.
2. The state funds will be reserved for the first 10 months of the fiscal year and, if left unmatched, will revert back to the BOR on a competitive basis.

LEGISLATORS RANKED

The Miami Herald's annual ranking of state legislators was released last week. I have identified the ranking of our local delegation and our legislative alumni for your information.

The Herald relies on a panel of experienced legislative observers to independently rank lawmakers. The criteria utilized for ranking were:

- * Effectiveness at passing legislation beneficial to the entire state, not just a particular interest group.
- * Consistency of supporting legislation beneficial to the entire state.
- * Effectiveness at influencing colleagues on behalf of legislation beneficial to the entire state, particularly through debate.
- * Effectiveness at representing his/her district.

Senate President Toni Jennings of Orlando was ranked as the most effective Senate member, House Speaker Daniel Webster also of Orlando, the most effective Representative.

High Ranking FSU Alumni include:

Senate

Top Quarter:

Senator Jim Horne, Orange Park (#6)

Senator John McKay, Bradenton (#9)

Second Quarter:

Senator W.D. Childers, Pensacola

Third Quarter:

Senator Charlie Crist, St. Petersburg
Senator John Grant, Tampa

Fourth Quarter:

Senator Steve Geller, Hallandale
Senator Charles Williams, Tallahassee
(FSU Alumnus & Local Delegation)

House of Representatives

Top Quarter:

Rep. John Thrasher, Orange Park (#2)
Rep. Jim King, Jacksonville (#3)
Rep. Alex Villalobos, West Dade (#9)
Rep. Beryl Roberts-Burke, Miami (#13)
Rep. Sharon Merchant,
Palm Beach Gardens (#14)

Second Quarter:

Rep. Keith Arnold, Fort Myers
Rep. Debbie Horan, Key West
Rep. Al Lawson, Tallahassee

(FSU Alumnus & Local Delegation)

Third Quarter:

Rep. Everett Kelly, Tavares

Local Delegation:

Senate

Fourth Quarter:

Senator Pat Thomas, Quincy

House of Representatives

Second Quarter:

Rep. Janegale Boyd, Monticello

Third Quarter:

Rep. Marjorie Turnbull, Tallahassee

Fourth Quarter:

Rep. Jamey Westbrook, Bascom

Spotlight on Bills Summary

The following is a final update on the bills featured in the *Legisletter* during the 1998 Legislative Session. Please feel free to contact me if you would like a copy of the final bill and its analysis.

PASSED:

HB 4259 - Community College & Career Prep Committee

POSTSECONDARY EDUCATION

This bill became the “educational train” during the final hours of the session and contains the substance of a number of other bills:

- * Clarifies the requirements and benefits of the college-ready diploma.
- * Provides a mechanism for the state-wide acceptance of appropriate dual enrollment courses.
- * Requires college-level dual enrollment classes to be weighed the same as advanced placement and honors courses when grade point averages are calculated.
- * Decentralizes the administration of need-based student financial aid programs associated with the Florida Student Assistance Grant Program for the Department of Education to the institutions participating in the program.
- * Expands the list of institutions eligible to participate in the College Reach-Out Program.
- * Changes the name of the “Florida Prepaid Postsecondary Education Expense Program” to the “Florida Prepaid College Program.” Allows prepaid contracts to cover local fees. Exempts prepaid contracts from the probate claims of creditors.
- * Clarifies membership, and changes appointment and length-of-term requirements for the Board of Regents.
- * Requires state universities and community college student government associations to establish a process for the removal of officers.

HB 755 - Constantine

MANAGEMENT EFFICIENCY

The provisions of this bill provide additional administrative flexibility to the State University System institutions in the following areas:

- * **Record Keeping Flexibility-**The bill deletes the SUS reporting requirements for OPS employees and requires that SUS accountability reports reflect the performance measures defined through Performance Based Program Budgeting.
- * **Purchasing Flexibility-** The bill provides that the SUS can administer its own purchasing programs and increases that threshold for the purchase of goods and equipment from \$500,000 to \$1,000,000.
- * **Presidential Authority-** The bill provides university presidents to approve contracts and purchase goods and equipment, up to \$1,000,000 (subject to BOR rules), and adjust property records.
- * **Land Acquisition Efficiency-** Language which would now enable the Board of Regents and the universities in the system to acquire property without delays that are currently experienced; this change would allow universities to order their own appraisals and surveys and enter into option agreements to purchase property without appraisals, if deemed necessary.
- * **Outdated Accountability Reporting-** Changes which delete outdated accountability reporting, and subsequently the accountability to performance based program budgeting.
- * **Surplus Property-** A provision that the monies from the sale of surplus property be retained by each university, and that records will be kept detailing into which university accounts these funds are deposited.
- * **5% Overhead Limitation Removed-** A provision that the 5% limitation on overhead on contracts between state agencies will not apply to contracts or subcontracts between universities and community colleges.
- * **Funds Outside the State Treasury-** The provision of accountability to the process for placing funds outside the state treasury by providing for the House and Senate review and approval of any such requests.
- * **Equity Accountability Act-** An amendment to the Equity Accountability Act so that each university's affirmative action plan, required pursuant to federal mandates, will correspondingly satisfy the reporting requirements mandated by this section.

Spotlight on Bills Continued

CS/CS/HB 4181 - Constantine

STATEWIDE BUILDING CODE

* CS/CS/HB 4181 authorizes the adoption and subsequent updates of a statewide unified building code to be called the Florida Building Code. In addition, the bill re-constitutes the Board of Building Codes and Standards as the Florida Building Commission. Upon initial adoption, the Florida Building Code is deemed adopted by all local jurisdictions. Local governments may adopt more stringent requirements to the code subject to some restrictions. Beginning in 2001, local governments shall assume expanded responsibilities for permitting, plans review and inspection of facilities that are currently reviewed by state agencies. A statewide product evaluation system shall be developed and administered by the Florida Building Commission. Furthermore, a building code training program shall be developed related to the Florida Building Code. This program will become part of current continuing education requirements for occupations related to construction and construction regulation.

* Education Lobbyists representing K-12, Community Colleges and the SUS successfully worked with the bill's sponsors and legislative staff for the inclusion of several favorable amendments to the bill. Most significantly, state universities may elect to use a local government's code enforcement offices or may conduct their own plan review and construction inspections to enforce the building code compliance for their projects that are subject to the Florida Building Code, and may elect not to be subject to local government permitting requirements, plans review and inspection fees. However, the universities will be subject to "spot checking" by the county, municipality, or code enforcement district and to the fire official's safety inspections pursuant to chapter 633, Florida Statutes. Additionally, any amendment adopted by a local enforcing agency which provides for more stringent requirements within their jurisdiction than those specified in the Florida Building Code shall not apply to state owned buildings.

CS/SB 752 - Klein

SUS NAMING BILL

* A bill for the designation of buildings and programs which includes the State University Systems facilities naming items. The recording facility donated to Florida State University by Echelon International Development Corporation as "Critchfield Hall," was included in the broad bill.

HB 4219 - Futch

MUTUAL AID AGREEMENT

* This bill clarifies that a state university that employs or appoints university police officers in accordance with s. 240.268, F.S., may enter into a voluntary cooperation written agreement with other law enforcement agencies. Entry into these agreements would clarify jurisdictional problems that may arise on campuses having city, county, or other state agency property running through campus lands or boundaries; this will also enable university police to provide security and other law enforcement services to technology parks that are not technically considered university land under lease from the Board of Trustees of the Internal Improvement Trust Fund.

CS/HB 3619 - Culp

YEAR 2000

* Contains provisions that allow the Governor to reassign resources, including personnel, to deal with actual or projected computer system failure related to the date changes necessitated by the year 2000. Also contains language which provides immunity for the State of Florida, its agencies, and any unit of local government consistent with s. 768.28 as related to year 2000 computer date calculation failures. This includes any public or private university school of medicine that is part of a public or private university supported either partially or completely by state funds, and that has an affiliation with a local government or division of the state under which the medical school's computer systems provide clinical care to the public. The bill also stipulates that no new information technology projects are to be established with funding releases unless the agency plan for year 2000 work is on or ahead of schedule for the two most recent reporting periods of the Agency Year 2000 Progress Report.

Spotlight on Bills Continued

CS/CS/HB 3351 - Finance and Taxation Committee

SPONSORED RESEARCH

* A tax exemption is now provided, under certain conditions, for corporations entering into a sponsored research contract with a state university and certain nonpublic universities after July 1, 1998. Provisions are revised which provide for apportionment of adjusted federal income for corporate income tax purposes. The property factor fraction is amended to exclude property certified to the Department of Revenue as dedicated solely to research and development activities performed pursuant to sponsored research through a state university and certain nonpublic universities. The Board of Regents must certify the contracts for members of the State University System and the president of the university must certify the contracts for nonpublic university.

CS/SB 482 - Regulated Industries Committee

EDUCATIONAL FACILITIES

* This bill requires, rather than permits, district school boards and community college boards of trustees to prequalify bidders for educational facility construction contracts. All bids submitted to the boards for construction or capital improvement projects must include evidence that either the bidder holds an appropriate certificate or license, or, the prime contractor has a current valid license. The bill repeals provisions that precluded district school boards and community college boards from prequalifying state certified electrical contractors, alarm system contractors, and fire protection system contractors. This bill substantially amends sections 235.31 and 489.125, Florida Statutes, and repeals sections 489.527, and 633.551(5), Florida Statutes. **SIGNED BY THE GOVERNOR, CHAPTER LAW 98-35**

SB 564 - Kurth

HIGHER EDUCATION/DIRECT SUPPORT ORGANIZATIONS

* This legislation increases oversight of direct-support organizations that benefit community colleges and state universities and prohibits a community college from using or pledging public funds for a direct-support organization. Each university direct-support organization will now be required to submit to the university president and to the Board of Regents its federal Internal Revenue Service Application for Recognition of Exemption form (Form 1023) and its Organization Exempt from Income Tax form (Form 990).

SB 400 - Burt

STATE AUDIT & ACCOUNTABILITY

* State audit and accountability requirements are established for state financial assistance provided to nonstate entities. Federal financial assistance which is passed through the state to nonstate entities is presently subject to mandatory federal audit requirements, and the bill's intent is to have state audit and accountability requirements, as much as possible, mirror federal audit requirements.

HB 3389 - Colleges & Universities Committee

NONPUBLIC POSTSECONDARY INSTITUTIONS

* This bill was amended in the final hours to include state employee tuition waiver recipients as fundable hours.

Spotlight on Bills Continued

CS/CS/HB 3131 - Feeney

DROP

* This bill makes changes to the Deferred Retirement Option Program. The law now:

* Allows members who have reached their normal retirement date prior to July 1, 1998 to participate in DROP for the full 5 years, except that Special Risk members whose total accrual value exceed 75%, shall be limited to 3 years.

* Allows members who have reached their normal retirement years of service date and are more than 5 years away from their normal retirement age, to defer beginning DROP until 5 years before their normal retirement age. For example, if a member is age 55 with 30 years of service, the member could defer DROP participation until age 57 and participate for 5 years.

* Allows for simultaneous employment with more than 1 FRS employer.

* Allows members to change employment during DROP participation provided the employee remains in pay status.

* Allows employees to elect to receive lump-sum payments for accrued annual leave either at the time DROP participation begins (included in average final compensation) or to wait until the end of participation (excluded from average final compensation).

* Allows participants, whose joint annuitant predeceases the member during participation, to name a beneficiary to receive accumulated DROP benefits payable.

* Allows members to include or exclude optional service credit when determining their normal retirement dates.

CS/CS/ HB 3131 was **SIGNED BY THE GOVERNOR, CHAPTER LAW 98-18**

The Office of Governmental Relations would like to thank all of the Legislative Liaisons for their hard work and patience during the 1998 Legislative Session.

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Alice Rozier
Marilyn Young

Spotlight on Bills Continued

The following bills of interest failed to pass during the 1998 Legislative Session:

FAILED:

HB 4459 - Colleges and Universities Committee

STUDENT FEES

* The bill revised fee terminology — the term “tuition” replaces the term “matriculation”; the term “out-of-state fee” replaced the term “tuition.” Definitions were created for the terms “registration fees” and “local fees”. The bill established a technology fee of \$2.50 per credit hour for state universities and capped at a specific dollar amount the fees that a student would be required to pay to register for a course. The bill authorized university presidents to submit to the Board of Regents (BOR) plans to assess differential tuition in professional programs such as, law, medicine, dentistry, veterinary medicine, and pharmacy. The differential fees assessed could not exceed 110% of the national average full-time tuition for such programs.

CS/CS/HB 4175 - Peaden

FSU MEDICAL SCHOOL

* Representative Durell Peaden sponsored a bill this session that would have set up a two-year academic program in medicine at FSU, which would be followed by two years of off-site hospital training. Students can already take their first year of medical school courses at Florida State before transferring to the University of Florida medical school. This bill would have expanded our Program in Medical Sciences (PIMS) to the second year. Representative Peaden, a physician, believed this program would have been different than the state’s other medical schools because it would have focused on training physicians to treat senior citizens. The proposal did not include building a costly hospital because students would train elsewhere. Senator W.D. Childers (FSU Alumnus) was sponsoring the companion bill in the Senate.

CS/CS/SB 388 - Holzendorf

MATH AND SCIENCE ACADEMY

* Established a Mathematics and Sciences Study Commission to determine the feasibility of creating a statewide residential mathematics and sciences academy for students in grades 11 and 12. The commission would select a private partner, a State University System partner, a location, and an estimated operating cost for the academy were provisions included in the legislation.

HB 4563 - Posey

VOICE MAIL/STATE EMPLOYEES

* This bill required state employees to answer their telephones when sitting at their regularly assigned work station where their telephones are located, when their telephones are available for use, and when their telephones are in operating order, unless the voice mail system alerts callers to, and provides callers with, access to a non-electronic attendant, or if the system automatically transfers such calls to a non-electronic attendant. State agency heads were directed to enforce the provisions of the bill.

HB 4551 - General Government Appropriation Committee

FLORIDA 2020 PROGRAM

* HB 4551 created the Florida 2020 program, a comprehensive \$6 billion, 20-year state program to finance land and water restoration, acquisition and capital improvement projects. Reserved for restoration, acquisition and capital improvements to lands and water bodies for conservation, preservation and recreational purposes is \$4 billion. The remaining \$2 billion would be equally shared by the State University System and the Florida Community College System for land acquisition, facilities construction and development of telecommunications infrastructure to promote distance learning. The bill is expected to be heard again next year.

Spotlight on Bills Continued

CS/SB 1110 - Diaz Balart

BACCALAUREATE DEGREES

* This legislation created a pilot program whereby three community colleges would conduct bachelor's degree programs in nursing, teacher training, and applied technology.

HB 3429 - Putnam

DRUG-FREE POSTSECONDARY EDUCATION ACT

* The bill provides that a person, who receives a conviction for a felony or the second degree or higher or an attempted sexual battery, is ineligible to receive financial assistance for postsecondary education or cash assistance from the WAGES program. The bill clarified that a postsecondary institution authority to have hearings to suspend a person who has been convicted on one of the enumerated felonies. The penalties imposed by the bill only applied to offenses that occur, either, while a person is receiving or applying for WAGES cash assistance, or after a person has initially received state financial assistance for postsecondary education.

Quote of the Session....

"We thought that ought to be a bipartisan issue, so we needed diving elephants," King said. "As soon as we started talking about diving elephants they decided to pull the bill."

During the last few days of session, there were 2, 786 bills left to be considered - ranging from tort reform to farm animals. Representative Jim King, FSU Alumnus, referring to a proposal to outlaw donkey diving.

HB 4747 - Casey

FLORIDA BRIGHT FUTURES SCHOLARSHIP PROGRAM

* The Florida Bright Futures Scholarship Program was established to reward Florida high school graduates who merit recognition of high academic achievement. The Bright Futures Program consists of three types of awards — the Florida Academic Scholarship, the Florida Merit Scholarship, and the Florida Vocational Gold Seal Scholarship. The program is administered by the Department of Education. Provisions relating to notification of the student regarding the program and options available through the program are modified. The ability to obtain comparable, complete, and timely data was addressed by requiring initial award applicants to complete a Free Application for Federal Student Aid. The test score for the Florida Academic Scholarship is set at the same level currently used by the department; the minimum test score for the Merit Award was set at 1100 effective 2001. Provisions relating to the award amount are clarified to specify the fees that are to be included in determining the actual award amount. Effective Fall 1999, a Gold Seal award may not be used at a baccalaureate degree-granting institution unless the award is a renewal of an initial award issued prior to Fall 1999. A process is established, however, whereby a Gold Seal award recipient who successfully completes the program for which the student is receiving the Gold Seal award, maintains a 2.75 GPA, and enrolls in an associate or baccalaureate degree program at an eligible institution would be eligible to transfer to the Merit Scholarship component of the Bright Futures Program.

Spotlight on Bills Continued

SB 1886 - Grant

DISTANCE LEARNING: FSU/BOU

* Placed the British Open University/Florida State University Production and Resource Center into the statutes and provided FTE funding for the development of internet/distance education courses. There was a proposed companion bill in the House, PCB EI 98-07 by Representative Jerry Melvin. The bill will probably be filed again next year.

Legisletter goes World Wide on the FSU Home Page

The text of the Governmental Relations *Legisletter* can be found on the Florida State University home page, at <http://www.fsu.edu/~govrel>. The **On-Line Sunshine program**, which provides a variety of legislative information including bill text, bill history, Florida Statutes, and member information, can also be accessed through the Governmental Relations home page. There are menus to guide you. **Also, the 1998-99 Legislative Budget can be found on the On-Line Sunshine program at, <http://www.leg.state.fl.us/session/1998/bills/appbills/pdf/confrept.pdf>.**

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